

DENNIS J. HERRERA, State Bar #139669
City Attorney
JOANNE HOEPER, State Bar #114961
Chief Trial Attorney
BLAKE P. LOEBS, State Bar #145790
KIMBERLY A. BLISS, State Bar #207857
Deputy City Attorney
1390 Market Street, 6th Floor
San Francisco, California 94102-5408
Telephone: (415) 554-3861
Facsimile: (415) 554-3837

Attorneys for Defendants
CITY AND COUNTY OF SAN FRANCISCO,
VICTOR WYRSCH AND JOANNE HAYES-WHITE

MICHAEL D. MEADOWS, State Bar #62110
ANDREW C. SCHWARTZ, State Bar #64578
CASPER, MEADOWS, SCHWARTZ & COOK
A Professional Corporation
California Plaza
2121 North California Blvd., Suite 1020
Walnut Creek, California 94596
Telephone: (925) 947-1147
Facsimile: (925) 947-1131

Attorneys for Plaintiffs ESTATE OF NICHOLAS
TORRICO, BONNIE JEAN TORRICO AND
CARLOS TORRICO

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ESTATE OF NICHOLAS TORRICO
deceased, BONNIE JEAN TORRICO
individually and as successor in interest to
the Estate Of Nicholas Torrico and
CARLOS TORRICO, individually and as
successor in interest to the ESTATE OF
NICHOLAS TORRICO,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, VICTOR WYRSCH and
JOANNE HAYES-WHITE in her official
capacity as Chief of the San Francisco
Fire Department, and DOES 1 through 20,

Defendants.

Case No. 07-CV-03624-JCS

**JOINT STIPULATION RE
CONTINUANCE OF DISCOVERY,
PRETRIAL AND TRIAL DATES
(REVISED AT COURT'S REQUEST);
[PROPOSED] ORDER**

Trial Date: Feb. 2, 2009

1 The parties submit this revised Joint Stipulation and [Proposed] Order seeking a continuance
2 of the discovery and pretrial dates per the Court's request. Despite diligently pursuing discovery to
3 date, the parties need additional time to complete discovery. The continuance of the discovery cut-off
4 date will also necessitate a continuance of the other pretrial and trial dates, as further described below.

5 **GOOD CAUSE**

6 The parties have diligently pursued discovery to date. The parties have exchanged initial
7 disclosures, written discovery (including interrogatories and document requests), subpoenaed third-
8 party records, and taken the depositions of six key parties and witnesses in anticipation of the
9 upcoming mediation, set for April 10, 2008. (The parties are not asking to continue the mediation or
10 the Further Case Management Conference, scheduled for April 19, 2008.) The parties have also
11 scheduled depositions of eight additional City employees, family members and third-party witnesses
12 after the mediation date of April 10, 2008. More specifically, the parties are set to take depositions of
13 parties and witnesses on April 14, 18, 21, 23, 24, 25 and 29, 2008. In addition to the scheduled
14 depositions, each party anticipates taking a number of additional party and third-party witness
15 depositions before the discovery cut-off. Given the already crowded deposition schedule, and other
16 calendar conflicts of counsel and witnesses (including vacations and scheduled trials), the parties
17 need additional time to schedule the depositions, serve additional third-party witnesses with
18 deposition subpoenas and complete the depositions.

19 The parties have met and conferred and agreed that based on their calendars, a two month
20 continuance of the discovery deadline should ensure the parties' ability to complete discovery. The
21 parties also request a continuance of the associated pretrial and trial dates. First, a two-month
22 continuance of the discovery cut-off necessarily requires a continuation of the expert discovery
23 deadlines and dispositive motion deadlines. Second, the parties anticipate that defendants will file a
24 summary judgment motion. Accordingly, the parties request a continuance of the pretrial and trial
25 dates, because the parties: 1) want to ensure the Court has adequate time to consider and rule on the
26 summary judgment motion before the parties and/or the Court expend considerable time and
27

resources on the pretrial filings; and 2) respectfully desire a continuance of the December 24, 2008 pretrial filing deadline so as not to interfere with their holiday plans and vacations.

The parties submit this stipulation and proposed order now, instead of waiting for the Further Case Management Conference on April 18, 2008. If the Court signs this the attached [Proposed] Order, the parties can continue to actively serve subpoenas, discovery requests, and schedule depositions. Without a signed order, however, the approaching discovery cut-off date would preclude the further serving and scheduling of discovery until after the April 18, 2008 Further Case Management Conference (assuming the Court were to grant a continuance at that time).

STIPULATION

The parties agree that there is good cause to continue the pretrial and trial dates in this matter. Accordingly, the parties stipulate to, and hereby request a continuance of the pretrial and trial dates in this matter as follows:

Deadline	Current Date	New Date
Close of non-expert discovery	5/2/08	7/3/08
Expert disclosures due	6/6/08	8/8/08
Expert rebuttal disclosures due	7/1//08	9/12/08
Last day to file dispositive motions	8/1/08	10/3/08
Expert discovery cut-off	8/8/08	10/10/08
Last day to file oppositions to dispositive motions	8/15/08	10/17/08
Last day to file reply on dispositive motions	8/22/08	10/24/08
Last day to hear dispositive motions	9/5/08	11/7/08
Pretrial filings (as specified in Court's pretrial order)	12/24/08	1/28/09
Serve oppositions to Motions in Limine	1/6/09	2/10/09
Last day to file objections to exhibits	1/6/09	2/10/09
Submit order for admission of equipment to courthouse	1/10/09	2/13/09
File motions in limine and oppositions with Court	1/9/09	2/13/09
Final Pretrial Conference, 1:30 p.m.	1/16/09	2/20/09

1	Last day to make arrangements for daily transcript, etc.	1/23/09	2/20/09
2	TRIAL (8:30-1:30 M-Th)	2/2/09	3/2/09

3
4 **IT IS SO STIPULATED:**

5 Dated: April 2, 2008

6 DENNIS J. HERRERA
City Attorney
7 JOANNE HOEPER
Chief Trial Attorney
8 BLAKE P. LOEBS
KIMBERLY A. BLISS
9 Deputy City Attorneys

10 By: /s/ Kimberly A. Bliss
11 KIMBERLY A. BLISS

12 Attorneys for Defendants CITY AND COUNTY OF
13 SAN FRANCISCO, VICTOR WYRSCH AND
14 JOANNE HAYES-WHITE

15 Dated: April 2, 2008

16 CASPER, MEADOWS, SCHWARTZ & COOK

17 By: /s/ Michael D. Meadows
18 MICHAEL D. MEADOWS

19 Attorneys for Plaintiffs ESTATE OF NICHOLAS
20 TORRICO, BONNIE JEAN TORRICO AND CARLOS
21 TORRICO

22 Pursuant to General Order 45, §X.B., the filer of this
23 document attests that she has received the concurrence
24 of this signatory to file this document.
25
26
27
28

[PROPOSED] ORDER

Based on the Stipulation of the parties and good cause appearing therefore, the pretrial and trial dates in this matter are continued as follows:

Deadline	Current Date	New Date
Close of non-expert discovery	5/2/08	7/3/08
Expert disclosures due	6/6/08	8/8/08
Expert rebuttal disclosures due	7/1//08	9/12/08
Last day to file dispositive motions	8/1/08	10/3/08
Expert discovery cut-off	8/8/08	10/10/08
Last day to file oppositions to dispositive motions	8/15/08	10/17/08
Last day to file reply on dispositive motions	8/22/08	10/24/08
Last day to hear dispositive motions	9/5/08	11/7/08
Pretrial filings (as specified in Court's pretrial order)	12/24/08	1/28/09
Serve oppositions to Motions in Limine	1/6/09	2/10/09
Last day to file objections to exhibits	1/6/09	2/10/09
Submit order for admission of equipment to courthouse	1/10/09	2/13/09
File motions in limine and oppositions with Court	1/9/09	2/13/09
Final Pretrial Conference, 1:30 p.m.	1/16/09	2/20/09
Last day to make arrangements for daily transcript, etc.	1/23/09	2/20/09
TRIAL (8:30-1:30 M-Th)	2/2/09	3/2/09

IT IS SO ORDERED.

Dated: _____

HONORABLE JOSEPH C. SPERO
United States Magistrate Judge